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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,481	02/07/2001	Vlad Zaharia	60,469-034; OT-4705	4707

7590 04/30/2002

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EXAMINER

SALATA, ANTHONY J

ART UNIT PAPER NUMBER

2837

DATE MAILED: 04/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/778,481

Applicant(s)

ZAHARIA ET AL.

Examiner

Jonathan Salata

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2837



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Paper No:4  
Serial Number: 09/778481  
Filing Date: February 2,2001

1. The drawings are objected to because the blank rectangular boxes and/or merely numbered boxes of figures 1-6 must be labeled, see 37 CFR 1.83(a). This allows identification of the drawing element without consulting the text of the specification. Correction is required.
2. Applicant is required to update references to co-pending applications. See page 4, line 21.
3. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to

Art Unit: 2837

which it pertains, or with which it is most nearly connected, to make and/or use the invention. The instant specification pages 6-10, merely gives examples of placement schemes for the inspection device and clearly states on page 6, lines 7-11 and page 10, lines 3-9, that the particular location for the inspection device is subject to interpretation and that "those skilled in the art will be able to take into account the various factors that indicate ideal placement of an inspection device in a particular situation". It cannot be seen how this would comprise a structural limitation or method step.

The specification seems to imply that one of ordinary skill in the art would be able to place the sensor at the most logical position rather than state the particular steps needed to determine the precise location. Only the discussion relating to figures 2A,2B discuss the steps that determine a placement of the sensor in the best available position but this would appear to be knowledgeable to of ordinary skill in the art or material that would be available in an installation manual.

Claim 1, as amended now appears to state that inspection device determine the best location which is clearly not the case.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2837

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al (5731528) and applicants admitted prior art.

Yamazaki et al teaches in figures 1-27, an inspection device for elevator ropes.

A hoist rope 1 connects a car 2 and counterweight 4 over pulleys and sheaves 21-23. A portable wear detector 20 and computing means 13 determine the rope tension and associated wear. The detector 9 of the measuring device, can be mounted at any level of the rope 1. Col. 10, lines 46-57 state that the detector is not limited by placement on the rope. Figure 12, illustrates a mount near the car frame 3 on a mounting band 38. Figures 17,18 illustrate the movement of the detector allows for the determination of wear detection in the guide sheave 22. Figure 19 illustrates the use of multiple detectors to reduce error. Within the Background of the Invention, it is further stated that prior art devices mount the sensor near the middle of the rope but further states that the length of the rope makes the selection of the mounting requires careful consideration.

As stated above, the sensor can be placed to determine any wear point.

Col. 18-19 state the conversion from tension to wear.

Applicant states on page 5, lines 1-2, that a magnetic flux, electrical resistance of other type of inspection device may be utilized within the scope of this invention. Thus, the particular type of detector is considered a matter of convenience.

7. Applicant's arguments filed 4-11-02 have been fully considered but they are not persuasive.

As stated above, the instant specification does not appear to provide support for the claimed invention.

Art Unit: 2837

One of ordinary skill in the art is clearly recognized to have knowledge in placing the sensor while the specification merely provides examples of where the placement would be in several situations while only stating in the examples the preferred placement.

Only reference to figures 2A,2B and the specific roping arrangement appear to provide support for the sensor placement but no claim is directed towards this arrangement.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry of a general nature or relating to the **status** of this application or **filed papers** should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 CP 4 Fax Center number is (703) 308-77(22 or 24).

For assistance in Patent procedure, fees or general Patent questions calls should be directed to the Patents Assistance Center (PAC) whose telephone number is 800-786-9199. Assistance is also available on the Internet at [www.uspto.gov](http://www.uspto.gov).

For requesting **copies** of Cited Art, Office Actions or the like, or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 703-306-3329 or by fax at 703-306-5515.

Art Unit: 2837

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jonathan Salata** whose telephone number is **(703) 308-3120**. The examiner can normally be reached on Monday through Thursday from 6:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370.

ajs  
April 29, 2002

  
**JONATHAN SALATA**  
**PRIMARY EXAMINER**  
**ART UNIT 2837**